

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION**

SECURITIES AND EXCHANGE
COMMISSION,

Plaintiff,

v.

REX VENTURE GROUP, LLC d/b/a
ZEEKREWARDS.COM, and PAUL BURKS,

Defendants.

Case No. 3:12-cv-519

**NON-PARTY BANCA COMERCIALA VICTORIABANK SA'S
MOTION BY SPECIAL APPEARANCE TO DISMISS RECEIVER'S MOTION TO
TURN OVER ASSETS AND/OR FIND IT IN CONTEMPT, AND FOR DISSOLUTION
OF FEBRUARY 12, 2016 ORDER FREEZING ASSETS**

Non-party Banca Comerciala Victoriabank SA ("Victoriabank"), a foreign commercial bank organized under the laws of Moldova, makes this special appearance to contest this Court's exercise of personal jurisdiction over it.¹ Victoriabank requests that the Court dismiss and deny, on the grounds of lack of personal jurisdiction and failure of the Receiver to effect appropriate service of process, the Receiver's pending motion seeking findings of contempt against Victoriabank and joint and several liability against Victoriabank in the amount of \$13,174,015.48 (the "Receiver's Motion" [ECF No. 469]). Victoriabank further requests that the Court dissolve its February 12, 2016 Order freezing \$13,174,015.48 in funds held at

¹ Victoriabank makes this special appearance for the purpose of contesting this Court's exercise of jurisdiction over Victoriabank and Victoriabank's property. In making such special appearance, Victoriabank does not waive, and intends to preserve, all objections to this Court's exercise of jurisdiction over Victoriabank and Victoriabank's property. Furthermore, by making this special appearance, Victoriabank in no way waives service of process as required by Federal Rule of Civil Procedure 4(h)(2). Undersigned counsel represents Victoriabank for the purpose of contesting this Court's exercise of jurisdiction over Victoriabank and Victoriabank's property and is not authorized to accept service of process on behalf of Victoriabank.

Victoriabank's correspondent bank account located in New York at the Bank of New York Mellon (the "2016 Freeze Order" [ECF No. 470]), on the grounds that the Court lacked personal jurisdiction over Victoriabank when it entered that Order, and the Order is otherwise void.

In support of this motion, Victoriabank relies upon its supporting memorandum of law and the affidavits of Corneliu Popovici and Sergiu Bivol, filed contemporaneously herewith.

Respectfully submitted, this 19th day of April, 2016.

By: s/ Kiran H. Mehta
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Attorneys for Movant Banca Comerciala
Victoriabank, S.A.

CERTIFICATE OF SERVICE

I hereby certify that the foregoing **NON-PARTY BANCA COMERCIALA VICTORIABANK SA'S MOTION BY SPECIAL APPEARANCE TO DISMISS RECEIVER'S MOTION TO TURN OVER ASSETS AND/OR FIND IT IN CONTEMPT, AND FOR DISSOLUTION OF FEBRUARY 12, 2016 ORDER FREEZING ASSETS** was electronically filed with the Clerk of Court using the CM/ECF system, which automatically serves notification of such filing to all counsel of record.

This 19th day of April, 2016.

s/ Kiran H. Mehta
Kiran H. Mehta
North Carolina Bar No. 11011